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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL L. KATHREIN,)	
VICTORIA KATHREIN,)	08 C 0083
)	
Plaintiffs,)	COMPLAINT
)	
v.)	JURY TRIAL DEMAND
)	
CITY OF EVANSTON, ILLINOIS,)	JUDGE RONALD GUZMAN
)	MAGISTRATE JUDGE SCHENKIER
Defendant.)	
_____)	

RULE 26 (f) CONFERENCE REPORT

In accordance with Fed. R. Civ. Pro 26(f), a limited email exchange took place on February 25, 2008 between plaintiff Michael Kathrein, *pro se*, and Iain D. Johnston, attorney for the defendant.

The purpose of the exchange was to discuss the nature and basis of their claims and defenses and the possibilities for settlement or resolution of the case.

Whereas settlement or resolution of the case appears neither imminent nor likely, the parties report and recommended the following:

- 1) **Initial 26(a) Disclosures:** Plaintiffs initial disclosures were tendered February 20, 2008. The defendant tendered its initial disclosures February 25, 2008.
- 2) **Anticipated Discovery Topics:**

Plaintiffs anticipate requesting discovery focusing upon the following subjects:

- a) The identity of, meaning the names, addresses, telephone numbers and email addresses, of each person who participated in the conception, discussion, drafting review, adoption or enforcement of the documents identified in paragraphs 8, 12 and 13 of the Complaint.

- b) The identity of, meaning the names, addresses, telephone numbers and email addresses, of each person or entity who paid money to the Defendant pursuant to any Mayor's Special Housing Fund or Affordable Housing Ordinance(s), since the adoption of any such Fund or Ordinance(s).
- c) A detailed accounting of all monies received by defendant pursuant to any Mayor's Special Housing Fund or Affordable Housing Ordinance(s).
- d) A detailed accounting of all funds distributed from any Mayor's Special Housing Fund or Affordable Housing Fund since the adoption of any such Fund or Ordinance(s).

Defendant City of Evanston anticipates requesting discovery focusing upon the following subjects:

- a) The plaintiffs for allegations in the complaint.
- 3) **Additional Discovery:** The parties reserve the right to expand discovery if the circumstances require.
- 4) **Protective Orders under Rule 26(c) or rule 16 (b) and (c):**
- a) Plaintiffs intend to request a protective order that all funds received by the defendant and/or in the possession of the defendant, pursuant to the Mayor's Special Housing Fund or Affordable Housing Ordinance Demolition Tax ordinance(s) be impounded and held by a third party escrowee until final resolution of this case.
 - b) Plaintiffs intend to request a protective order requiring defendants to suspend enforcement of the Ordinance(s) until final resolution of this case.
 - c) Plaintiffs intend to request a protective order prohibiting the defendant from modification of the Ordinance(s) until final resolution of this case.
 - d) Plaintiffs intend to request a protective order prohibiting defendants from enacting any new "taxes," "licenses" or "fees" affecting the plaintiffs until final resolution of this case.
 - e) Plaintiffs intend to request a Permanent Injunction prohibiting defendants from exercising undue scrutiny of or retaliation against the individual plaintiffs for having brought this suit, or for any other reason.
 - f) Parties have discussed additional protective orders pursuant to Rule 26(f)(3) (as revised Dec. 2006) regarding electronically stored information.

Dated February 25, 2008

Respectfully Submitted,

/s/ Michael L. Kathrein

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